

REMARKS

Claims 17, 19, 20 and 22-32 are pending in the present application.

Claims 17 and 19 are amended.

Claims 22-32 are newly entered.

Claims 1-16, 18 and 21 are cancelled.

All remarks, and previous rejections, refer to claim numbers in accordance with the instant Claims Listing.

No new matter is entered as a result of the amendments.

Reconsideration on the merits is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 19, 20 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (U.S. Patent No. 6,100,811) in view of DeBono (U.S. Patent No. 6,927,671) and further in view of Radke (U.S. Patent Publication No. 2004/0155752).

Hsu et al. is cited as teaching a device to provide fingerprint acces to the interior of a vehicle. Applicant respectfully disagrees.

Hsu et al. specifically states in the abstract:

"At least one fingerprint sensor (16) installed inside the vehicle (at 14) in or near a door handle (12)." (emphasis added)

This description and Figs. 1, 2 and 3 have been a basis for alleging that Applicant's protective housing is disclosed by this reference. The explanation is as follows:

"Hsu et al. teaches fingerprint sensor is provided with a protective cover because the fingerprint sensor is indicated by broken line (figure 3) suggesting that the fingerprint sensor is covered by the door handle." (emphasis added)

The specification at col. 4, lines 42-47 reads:

"Fig 2 is similar to Fig. 1, but shown as an alternative location for the sensor 14, on the underside of the door handle 12... This approach works best for door handles of the recessed type that have to be pivoted out of a recess by placing a finger beneath the handle and pulling it out." (emphasis added)

Alternative locations are depicted in Fig. 4 as 16 a through d. All are open, uncovered and within the cabin of the vehicle.

Since sensor 14 must be mounted on the surface of the handle 12, facing toward the door panel, and pulled open by the finger, the face of the sensor cannot have a protective cover.

DeBono, U.S. Patent Number 6,927,671 has been combined with

Hsu on the basis that the "sensing" means may be covered from view by a covering means which is capable of being moved to access the biometric sensing means. In all embodiments the cover is located within the cabin, not on the exterior.

Protection of the sensor is not the objective- or teaching- of DeBono in locating the sensor. Stealth motivates the location as stated at col. 9, line 17-19. Contrast this with Fig.5, which places the sensor 21 alternatively on the steering wheel or center console.

Applicant's protective housing, with cover, is located on the exterior of the vehicle, preferably at the base of the windscreen, a totally visible location. If Hsu and/or DeBono were modified to the extent necessary to achieve the present invention the device would be rendered unsatisfactory for the use set forth in Hsu and DeBono. It is well established that a combination of art which renders the intended product unsatisfactory is not a proper combination. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification".

(MPEP 2143.01 V with reference to *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984))

Radke is cited for teaching a sleep/wake-up mode for power conservation. Radke fails to mitigate the deficiencies of Hsu and modified by DeBono.

The rejection of claims 19, 20 and 22-25 under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (U.S. Patent No. 6,100,811) in view of Debono (U.S. Patent No. 6,927,671) and further in view of Radke is improper and traversed.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. in view of DeBono in view of Radke and further in view of Foster (U.S. Patent No. 5,668,929).

Hsu et al., DeBono and Radke are discussed above and all comments are equally applicable here.

In addition to the previously mentioned deficiencies the Office notes that Hsu et al. as modified by DeBono and Radke also fails to recite a backup battery which is rechargeable. Foster is cited as disclosing those teachings which are otherwise lacking.

Even with the inclusion of Foster one of skill in the art would be lacking any motivation to utilize a fingerprint reader on the exterior of a vehicle and therefore would still not achieve the claimed invention.

The rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. in view of DeBono in view of Radke and further in view of Foster is improper and traversed.

Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. in view of DeBono in view of Radke and further in view of Carta (PCT Published Application WO 02/091,311).

Hsu et al., DeBono and Radke are discussed above and all comments are equally applicable here.

In addition to the previously mentioned deficiencies the Office notes that Hsu et al. as modified by DeBono and Radke also fails to recite a radio frequency shuttle card containing fingerprint information. Carta is cited as teaching that which is otherwise lacking.

Carta fails to provide any teaching which mitigates the deficiencies of Hsu et al. as modified by DeBono and Radke.

The rejection of claims 26-27 under 35 U.S.C. 103(a) as being unpatentable over Hsu et al. in view of DeBono in view of Radke and further in view of Carta is improper and traversed.

Claims 28 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of DeBono in view of Radke and further in view of Bonder et al. (US Paten No. 6,078,265).

Hsu et al., DeBono and Radke are discussed above and all comments are equally applicable here.

In addition to the previously mentioned deficiencies the Office notes that Hsu et al. as modified by DeBono and Radke also fails to recite a password protected detachable enroller. Bonder et al. is cited as teaching that which is otherwise lacking in the primary references.

Bonder et al. fails to provide any teaching which mitigates the deficiencies of Hsu et al. as modified by DeBono and Radke.

The rejection of claims 28 and 30-32 under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of DeBono in view of Radke and further in view of Bonder et al. is improper and traversed.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of DeBono in view of Radke in view of Bonder and further in view of Dutu (U.S. Patent No. 6,727,800).

Hsu et al., DeBono, Radke and Bonder are discussed all above and all comments are equally applicable here.

In addition to the previously mentioned deficiencies the Office notes that the primary references also fail to recite a shuttle card containing the fingerprint information. Dutu is cited as disclosing that which is otherwise lacking.

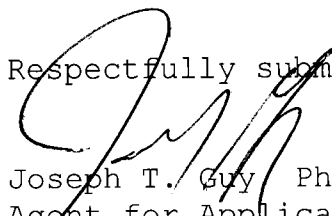
Even with Dutu the deficiencies of the primary references are not mitigated.

The rejection of claim 29 under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of DeBono in view of Radke in view of Bonder and further in view of Dutu is improper and traversed.

CONCLUSIONS

Claims 17, 19, 20 and 22-32 are pending in the present application. All claims are now believed to be in condition for allowance. Notice thereof is respectfully requested.

Respectfully submitted,



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